

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DONALD S. CONERLY	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:06CV467-LG-JMR
	§	
JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY	§	DEFENDANT
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
DENYING MOTION TO REMAND/REVERSE**

This cause comes before the Court on the [10] Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on February 14, 2008. Magistrate Judge Roper recommended that Plaintiff Donald S. Conerly's [6] Motion to Reverse and/or Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) be denied and the Commissioner's decision be affirmed. Conerly did not file an objection. After thoroughly reviewing the findings in the Report and Recommendation, the Court finds that the Report and Recommendation should be adopted as the finding of the Court for the reasons that follow.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having made the required review of the Report and Recommendation, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are neither clearly erroneous

nor contrary to law. Therefore, the Court, being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [10] of Chief United States Magistrate Judge John M. Roper entered in this cause on February 14, 2008, should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's [6] Motion to Reverse and/or Remand Pursuant to Sentence Four of 42 U.S.C. Sect. 405(g) is **DENIED** and the decision of the Commissioner is **AFFIRMED**.

SO ORDERED AND ADJUDGED this the 17th day of March, 2008.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE